

1 A bill to be entitled

2 An act relating to child support; amending s. 61.13, F.S.;
3 providing for automatic termination of support for a child
4 when the child is no longer eligible for support;
5 specifying conditions that render a child ineligible;
6 requiring either or both parents who owe support to secure
7 or object to the termination of a child support award;
8 requiring certain notice to a parent; authorizing the
9 court to retroactively terminate or modify a child support
10 award under certain circumstances; amending s. 61.14,
11 F.S.; providing for a temporary reduction in child support
12 under specified circumstances; authorizing the court to
13 grant certain forms of temporary relief; amending s.
14 61.30, F.S.; providing for use of the income shares model;
15 providing legislative findings; providing purposes of the
16 child support guidelines; providing that the amount of a
17 child support award resulting from the application of the
18 child support guidelines schedule creates a rebuttable
19 presumption of correctness; providing circumstances in
20 which specified variances in awards require a written
21 finding; providing for the determination of gross income;
22 providing for the imputation of income under certain
23 circumstances; providing for the determination of net
24 income; providing the child support guidelines schedule;
25 providing for determination of the amount of child support
26 for low-income and high-income parents; providing for
27 child care costs and health care costs to be added to the
28 minimum obligation; deleting provisions relating to
29 calculation of each parent's share of the child support

30 need; revising factors to be considered by the court in
31 adjusting child support awards; providing for shared
32 parenting arrangements; providing for calculation of child
33 support orders in cases of split parenting arrangements;
34 specifying the method for determining a child support
35 order amount; providing for modification of existing
36 orders; requiring submission of financial affidavits;
37 providing for the consideration of subsequent children;
38 providing for income information in the event of
39 noncooperation by a public assistance recipient for
40 purposes of child support; providing for review of the
41 child support guidelines; providing for retroactive child
42 support; amending s. 409.2564, F.S.; providing a threshold
43 for arrearages before passport restrictions apply;
44 amending s. 409.25641, F.S.; requiring the Department of
45 Revenue to employ automated administrative enforcement of
46 support orders in interstate cases; authorizing the
47 department to establish a corresponding case under certain
48 circumstances; amending ss. 409.2563 and 742.031, F.S.;
49 conforming cross-references; providing effective dates.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraphs (a) and (c) of subsection (1) of
54 section 61.13, Florida Statutes, are amended to read:

55 61.13 Custody and support of children; visitation rights;
56 power of court in making orders.--

57 (1)(a) In a proceeding under this chapter, the court may at
58 any time order either or both parents who owe a duty of support

to a child to pay support in accordance with the child support guidelines in s. 61.30.

1. The order shall provide a schedule, based upon the financial circumstances in existence at the time of the order, setting forth the amount of child support owed for the remaining minor children for whom support will be owed when each child reaches majority or is no longer eligible for support. The support obligation for each child shall automatically terminate when that child is no longer eligible to receive support as set forth in the order or in s. 743.07(2) or when the child is fully emancipated, is married, or is deceased. When a child is no longer eligible for support, either parent shall send a notice by certified mail, return receipt requested, to the address of the other parent and to the child support enforcement agency and file the notice with the court along with the return receipt. The other parent shall have 10 days after receipt of the notice to object to the termination of support. The objection shall provide the reasons for the objection, shall be sent by certified mail, return receipt requested, to the address of the parent who sent the original notice and to the child support enforcement agency, and shall be filed with the court along with the return receipt. Until the dispute is resolved and the court enters an order terminating or modifying the child support obligation, the parent shall continue to pay child support. If no objection is timely filed with the court, the parent who sent the original notice shall file a notification of termination or modification of child support with the court and the clerk of the court shall forward the court file to the judge who shall enter an order either retroactively terminating the child support obligation, if there

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are no other minor children, or retroactively amending the child support obligation and entering a new income deduction order to reflect the appropriate amount of support for the remaining minor children, based upon the most recently entered support order. The court shall send a copy of such orders to the obligor, obligee, and child support enforcement agency. The court order terminating or modifying child support deductions and the new income deduction order shall be provided by certified mail, return receipt requested, by the obligee to the obligor's employer instructing the employer to either cease deducting the child support or to modify the amount deducted from the obligor's income based on the new income deduction order.

2. The court initially entering an order requiring one or both parents to make child support payments shall have continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, or when there is a substantial change in the circumstances of the parties, notwithstanding the automatic termination set forth in subparagraph 1. If the child support obligation does not automatically terminate as set forth in subparagraph 1. and the obligor is forced to file an action to terminate support for a child no longer entitled to receive support, the termination shall be retroactive to the date the child was no longer eligible to receive support, regardless of when the action is filed. If the obligee receives support for a child who is no longer eligible to receive support, the obligee is required to reimburse the obligor the amount of the overpayment, which may be ordered

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117 to be paid in one lump sum or in installments over a period of
118 time, at the discretion of the court based on the financial
119 circumstances of the party who is responsible for the repayment.

120 3. The court initially entering a child support order shall
121 also have continuing jurisdiction to require the obligee to
122 report to the court on terms prescribed by the court regarding
123 the disposition of the child support payments.

124 (c) To the extent necessary to protect an award of child
125 support, the court may order either or both parents who owe a
126 duty of support to a child ~~the obligor~~ to purchase or maintain a
127 life insurance policy or a bond, or to otherwise secure the child
128 support award with any other assets which may be suitable for
129 that purpose.

130 Section 2. Paragraph (a) of subsection (1) and paragraph
131 (b) of subsection (11) of section 61.14, Florida Statutes, are
132 amended to read:

133 61.14 Enforcement and modification of support, maintenance,
134 or alimony agreements or orders.--

135 (1)(a)1. When the parties enter into an agreement for
136 payments for, or instead of, support, maintenance, or alimony,
137 whether in connection with a proceeding for dissolution or
138 separate maintenance or with any voluntary property settlement,
139 or when a party is required by court order to make any payments,
140 and the circumstances or the financial ability of either party
141 changes or the child who is a beneficiary of an agreement or
142 court order as described herein reaches majority after the
143 execution of the agreement or the rendition of the order, either
144 party may apply to the circuit court of the circuit in which the
145 parties, or either of them, resided at the date of the execution

146 of the agreement or reside at the date of the application, or in
147 which the agreement was executed or in which the order was
148 rendered, by filing a supplemental petition for an order
149 decreasing or increasing the amount of support, maintenance, or
150 alimony, and the court has jurisdiction to make orders as equity
151 requires, with due regard to the changed circumstances or the
152 financial ability of the parties or the child, decreasing,
153 increasing, or confirming the amount of separate support,
154 maintenance, or alimony provided for in the agreement or order.

155 2. A finding that medical insurance is reasonably available
156 or the child support guidelines in s. 61.30 may constitute
157 changed circumstances.

158 3.a. When the involuntary change of circumstances or
159 financial ability has not yet been established as being permanent
160 in nature, or when the change in circumstances is readily
161 acknowledged as only temporary in nature, a party may file a
162 motion for temporary relief, as opposed to a supplemental
163 petition for modification as provided in subparagraph 1. This
164 motion must be served in the same manner as a supplemental
165 petition. In response to the motion, the court may grant, as
166 appropriate, the following forms of temporary relief:

167 (I) A temporary reduction, abatement, or suspension of
168 child support, with the option to enforce payment of the accrued
169 shortfall, if appropriate, between the regular child support and
170 the temporary obligation;

171 (II) An abatement or suspension of contempt or enforcement
172 proceedings; or

173 (III) Such other temporary relief that the court deems just
174 and proper.

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b. As a condition of entitlement to temporary relief under this subparagraph, the movant must demonstrate that he or she:

(I) Has not precipitated the change of circumstances or financial ability to avoid meeting the existing court-ordered child support obligation.

(II) Is trying diligently to attain his or her previous income level.

c. If a subsequent modification action is filed, the court may modify an order of child support retroactively to the date of the filing of the motion.

4. Except as otherwise provided in subparagraph 3. and s. 61.30(11)(d)-(e), the court may modify an order of support, maintenance, or alimony by increasing or decreasing the support, maintenance, or alimony retroactively to the date of the filing of the action or supplemental action for modification as equity requires, giving due regard to the changed circumstances or the financial ability of the parties or the child.

(11)

(b) The modification of the temporary support order may be retroactive to the date of the initial entry of the temporary support order; to the date of filing of the initial petition for dissolution of marriage, initial petition for support, initial petition determining paternity, or supplemental petition for modification; or to a date prescribed in paragraph (1)(a) or s. 61.30(11)(d)-(e) or (18)-(17), as applicable.

Section 3. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; guidelines schedule; retroactive child support.--

(1) INCOME SHARES MODEL.--

(a) The state child support guidelines are based on the income shares model, which presumes that a child should receive the same proportion of parental income as he or she would have received if the parents lived together.

(b) The Legislature finds that child support is a continuous obligation of both parents, children are entitled to share in the current income of both parents, and a child's standard of living should not, to the degree possible, be negatively affected because a child's parents are not living together in the same household. The Legislature finds that children of families living in two households should be afforded the same opportunities that are available to children in families living in one household with parents who have financial resources similar to the resources of the parents who are living in two households.

(c) The Legislature finds that child support shall provide for the needs of the child. The needs of the child include, but are not limited to, direct expenses for food, clothing, school, and entertainment. The Legislature finds that child support shall also be used to provide for housing, utilities, transportation, and other indirect expenses related to the day-to-day care and well-being of the child.

(d) The Legislature further finds that in intact families the income of both parents is combined and spent for the benefit of all household members, including the children. The amount each parent contributes to the total income of the family represents his or her relative share of household expenses. This same income sharing principle is used by the income shares model to determine

233 how parents will share a child support award. The child support
234 guidelines schedule as provided in subsection (6) calculates a
235 child support award as the estimated share of each parent's
236 income that would have been spent on the child if the parents and
237 child were living in the same household. The amount calculated to
238 be spent by the custodial parent on child-rearing expenses is
239 retained by the custodial parent and is to be spent directly for
240 the benefit of the child. The amount calculated to be spent by
241 the noncustodial parent on child-rearing expenses represents the
242 amount of support that is paid to the custodial parent for the
243 benefit of the child. The amount of a child support award shall
244 be determined without regard to the gender of the custodial
245 parent.

246 (2) PURPOSES OF CHILD SUPPORT GUIDELINES.--The primary
247 purposes of the child support guidelines are:

248 (a) To provide uniform procedures for establishing an
249 adequate level of support for children, subject to the parents'
250 ability to pay.

251 (b) To make child support awards more equitable by ensuring
252 the consistent treatment of persons in similar circumstances.

253 (c) To reduce the adversarial nature of child support
254 proceedings by increasing voluntary settlements due to greater
255 predictability in the process to determine the amount of a child
256 support award.

257 (d) To increase the level of compliance with child support
258 orders as a result of the perceived fairness of the amounts of
259 child support ordered to be paid.

260 (e) To improve the efficiency of the judicial process by
261 giving courts, the child support enforcement agency, attorneys,

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and parents guidance in determining the amount of child support awards.

(f) To comply with federal law.

(3) REBUTTABLE PRESUMPTION.--

(a) There shall be a rebuttable presumption in any judicial or administrative proceeding to establish a temporary or permanent order for child support, to decide whether to approve a settlement agreement for child support, or to consider requests for modifications of existing orders that the amount of child support that would result from the application of the guidelines schedule provided in subsection (6) is the correct amount of child support to be awarded. The presumption may be rebutted and the minimum child support award, or either or both parents' share of the minimum child support award, may be adjusted upward or downward upon evidence that the application of the guidelines schedule would be unjust or inappropriate in a particular case.

(b)(1)(a) A The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support award which varies, plus or minus 5 percent, from the guideline amount may be ordered without a written finding, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. A The trier of fact may order payment of child support award in an amount which varies more than 5 percent from

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291 ~~the such~~ guideline amount may be ordered only upon a written
292 finding explaining why ordering payment of ~~the such~~ guideline
293 amount would be unjust or inappropriate. In determining whether
294 the application of the guidelines schedule would be unjust or
295 inappropriate and in determining whether to vary from the
296 presumptive child support amount in a particular case, the court
297 shall consider all of the factors provided in subsection (10)
298 ~~Notwithstanding the variance limitations of this section, the~~
299 ~~trier of fact shall order payment of child support which varies~~
300 ~~from the guideline amount as provided in paragraph (11) (b)~~
301 ~~whenever any of the children are required by court order or~~
302 ~~mediation agreement to spend a substantial amount of time with~~
303 ~~the primary and secondary residential parents. This requirement~~
304 ~~applies to any living arrangement, whether temporary or~~
305 ~~permanent.~~

306 ~~(b) The guidelines may provide the basis for proving a~~
307 ~~substantial change in circumstances upon which a modification of~~
308 ~~an existing order may be granted. However, the difference between~~
309 ~~the existing monthly obligation and the amount provided for under~~
310 ~~the guidelines shall be at least 15 percent or \$50, whichever~~
311 ~~amount is greater, before the court may find that the guidelines~~
312 ~~provide a substantial change in circumstances.~~

313 ~~(c) For each support order reviewed by the department as~~
314 ~~required by s. 409.2564(11), if the amount of the child support~~
315 ~~award under the order differs by at least 10 percent but not less~~
316 ~~than \$25 from the amount that would be awarded under s. 61.30,~~
317 ~~the department shall seek to have the order modified and any~~
318 ~~modification shall be made without a requirement for proof or~~
319 ~~showing of a change in circumstances.~~

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320 ~~(4)-(2)~~ DETERMINATION OF GROSS INCOME.--Income shall be
321 determined on a monthly basis for each parent. ~~the obligor and~~
322 ~~for the obligee as follows:~~

323 (a) Gross income shall include, but is not limited to, the
324 following items:

325 1. Salary or wages.

326 2. Bonuses, commissions, allowances, overtime, tips, and
327 other similar payments.

328 3. Business income from sources such as self-employment,
329 partnership, close corporations, and independent contracts.

330 "Business income" means gross receipts minus ordinary and
331 necessary expenses required to produce income.

332 4. Disability benefits.

333 5. All workers' compensation benefits and settlements.

334 6. Unemployment compensation.

335 7. Pension, retirement, or annuity payments.

336 8. Social security benefits.

337 9. Spousal support received from a previous marriage or
338 court ordered in the marriage before the court.

339 10. Interest and dividends.

340 11. Rental income, which is gross receipts minus ordinary
341 and necessary expenses required to produce the income.

342 12. Income from royalties, trusts, or estates.

343 13. Reimbursed expenses or in kind payments to the extent
344 that they reduce living expenses.

345 14. Gains derived from dealings in property, unless the
346 gain is nonrecurring.

347 (b)1. Income on a monthly basis shall be imputed to an
348 unemployed or underemployed parent when such employment or

underemployment is found by the court to be voluntary on that parent's part, absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community as provided in this paragraph; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child who is the subject of the child support calculation to care for that child.

2. In order for the court to impute income under subparagraph 1., the court must make specific findings of fact consistent with the requirements of this paragraph. The party seeking to impute income has the burden to present competent, substantial evidence:

a. That the unemployment or underemployment is voluntary.

b. That identifies the amount and source of the imputed income, including, but not limited to, an identification of a job for which the party is suitably qualified by education, experience, current licensure, and geographic location, with due consideration being given to the parties' current existing parental responsibility and time-sharing plan and their historical compliance with the plan.

3. A rebuttable presumption shall exist, which entitles the court to impute Florida minimum wage to a parent if no other evidentiary basis or mechanism for establishing a parent's gross income is available, absent a finding by the court that:

378 a. The parent has a physical or mental incapacity that
379 renders the parent unemployable or underemployed;

380 b. The parent is obliged to stay home with a child who is
381 the subject of the child support calculation proceedings and care
382 for that child, thereby preventing the parent's employment or
383 rendering the parent underemployed; or

384 c. There are other circumstances over which the parent has
385 no control, except for penal incarceration, which prevents the
386 parent from earning an income.

387
388 If evidence is produced that demonstrates that the parent is a
389 resident of another state, the state minimum wage applicable to
390 the parent's state of residence shall apply if it is greater than
391 the Florida minimum wage. In the absence of a state minimum wage
392 or if the other state's minimum wage is lower than the Florida
393 minimum wage, the federal minimum wage shall apply.

394 4. Income may not be imputed beyond minimum wage
395 requirements in subparagraph 3. based upon:

396 a. Income records that are more than 5 years old at the
397 time of the hearing or trial at which imputation is sought.

398 b. Income at a level that a party has not previously ever
399 earned in the past, unless recently degreed, licensed, certified,
400 relicensed, or recertified and thus qualified for, subject to
401 geographic location, with due consideration being given to the
402 parties' current existing parental responsibility and time-
403 sharing plan and their historical compliance with the plan.

404 (c) Public assistance as defined in s. 409.2554 shall be
405 excluded from gross income.

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(d) If recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

~~(5)(3)~~ DETERMINATION OF NET INCOME.--

(a) Net income is obtained by subtracting allowable deductions from gross income. Allowable deductions shall include:

1.~~(a)~~ Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

2.~~(b)~~ Federal insurance contributions or self-employment tax.

3.~~(c)~~ Mandatory union dues.

4.~~(d)~~ Mandatory retirement payments.

5.~~(e)~~ Health insurance payments, excluding payments for coverage of the minor child.

6.~~(f)~~ Court-ordered support for other children which is actually paid.

7.~~(g)~~ Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

~~(b)(4)~~ Net income for each parent ~~the obligor and net income for the obligee~~ shall be computed by subtracting allowable deductions from gross income.

~~(c)(5)~~ Net income for each parent ~~the obligor and net income for the obligee~~ shall be added together for a combined net income.

(6) CHILD SUPPORT GUIDELINES SCHEDULE.--The following schedule ~~schedules~~ shall be applied to the combined net income to determine the minimum child support amount ~~need~~:

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	Combined Monthly <u>Net</u> Available Income		Child or Children			
	One	Two	Three	Four	Five	Six
435						
436	650.00	74	75	75	76	77
437						
438	700.00	119	120	121	123	124
439						
440	750.00	164	166	167	169	171
441						
442	800.00	190	211	213	216	218
443						
444	850.00	202	257	259	262	265
445						
446	900.00	213	302	305	309	312
447						
448	950.00	224	347	351	355	359
	1000.00	235	365	397	402	406
	1050.00	246	382	443	448	453
	1100.00	258	400	489	495	500
	1150.00	269	417	522	541	547
	1200.00	280	435	544	588	594

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449	1250.00	290	451	565	634	641	648
450	1300.00	300	467	584	659	688	695
451	1350.00	310	482	603	681	735	743
452	1400.00	320	498	623	702	765	790
453	1450.00	330	513	642	724	789	838
454	1500.00	340	529	662	746	813	869
455	1550.00	350	544	681	768	836	895
456	1600.00	360	560	701	790	860	920
457	1650.00	370	575	720	812	884	945
458	1700.00	380	591	740	833	907	971
459	1750.00	390	606	759	855	931	996
460	1800.00	400	622	779	877	955	1022
461	1850.00	410	638	798	900	979	1048
462	1900.00	421	654	818	923	1004	1074
	1950.00	431	670	839	946	1029	1101

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463	2000.00	442	686	859	968	1054	1128
464	2050.00	452	702	879	991	1079	1154
465	2100.00	463	718	899	1014	1104	1181
466	2150.00	473	734	919	1037	1129	1207
467	2200.00	484	751	940	1060	1154	1234
468	2250.00	494	767	960	1082	1179	1261
469	2300.00	505	783	980	1105	1204	1287
470	2350.00	515	799	1000	1128	1229	1314
471	2400.00	526	815	1020	1151	1254	1340
472	2450.00	536	831	1041	1174	1279	1367
473	2500.00	547	847	1061	1196	1304	1394
474	2550.00	557	864	1081	1219	1329	1420
475	2600.00	568	880	1101	1242	1354	1447
476	2650.00	578	896	1121	1265	1379	1473
477							

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478	2700.00	588	912	1141	1287	1403	1500
479	2750.00	597	927	1160	1308	1426	1524
480	2800.00	607	941	1178	1328	1448	1549
481	2850.00	616	956	1197	1349	1471	1573
482	2900.00	626	971	1215	1370	1494	1598
483	2950.00	635	986	1234	1391	1517	1622
484	3000.00	644	1001	1252	1412	1540	1647
485	3050.00	654	1016	1271	1433	1563	1671
486	3100.00	663	1031	1289	1453	1586	1695
487	3150.00	673	1045	1308	1474	1608	1720
488	3200.00	682	1060	1327	1495	1631	1744
489	3250.00	691	1075	1345	1516	1654	1769
490	3300.00	701	1090	1364	1537	1677	1793
491	3350.00	710	1105	1382	1558	1700	1818
	3400.00	720	1120	1401	1579	1723	1842

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492	3450.00	729	1135	1419	1599	1745	1867
493	3500.00	738	1149	1438	1620	1768	1891
494	3550.00	748	1164	1456	1641	1791	1915
495	3600.00	757	1179	1475	1662	1814	1940
496	3650.00	767	1194	1493	1683	1837	1964
497	3700.00	776	1208	1503	1702	1857	1987
498	3750.00	784	1221	1520	1721	1878	2009
499	3800.00	793	1234	1536	1740	1899	2031
500	3850.00	802	1248	1553	1759	1920	2053
501	3900.00	811	1261	1570	1778	1940	2075
502	3950.00	819	1275	1587	1797	1961	2097
503	4000.00	828	1288	1603	1816	1982	2119
504	4050.00	837	1302	1620	1835	2002	2141
505	4100.00	846	1315	1637	1854	2023	2163
506							

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507	4150.00	854	1329	1654	1873	2044	2185
508	4200.00	863	1342	1670	1892	2064	2207
509	4250.00	872	1355	1687	1911	2085	2229
510	4300.00	881	1369	1704	1930	2106	2251
511	4350.00	889	1382	1721	1949	2127	2273
512	4400.00	898	1396	1737	1968	2147	2295
513	4450.00	907	1409	1754	1987	2168	2317
514	4500.00	916	1423	1771	2006	2189	2339
515	4550.00	924	1436	1788	2024	2209	2361
516	4600.00	933	1450	1804	2043	2230	2384
517	4650.00	942	1463	1821	2062	2251	2406
518	4700.00	951	1477	1838	2081	2271	2428
519	4750.00	959	1490	1855	2100	2292	2450
520	4800.00	968	1503	1871	2119	2313	2472
	4850.00	977	1517	1888	2138	2334	2494

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521	4900.00	986	1530	1905	2157	2354	2516
522	4950.00	993	1542	1927	2174	2372	2535
523	5000.00	1000	1551	1939	2188	2387	2551
524	5050.00	1006	1561	1952	2202	2402	2567
525	5100.00	1013	1571	1964	2215	2417	2583
526	5150.00	1019	1580	1976	2229	2432	2599
527	5200.00	1025	1590	1988	2243	2447	2615
528	5250.00	1032	1599	2000	2256	2462	2631
529	5300.00	1038	1609	2012	2270	2477	2647
530	5350.00	1045	1619	2024	2283	2492	2663
531	5400.00	1051	1628	2037	2297	2507	2679
532	5450.00	1057	1638	2049	2311	2522	2695
533	5500.00	1064	1647	2061	2324	2537	2711
534	5550.00	1070	1657	2073	2338	2552	2727
535							

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536	5600.00	1077	1667	2085	2352	2567	2743
537	5650.00	1083	1676	2097	2365	2582	2759
538	5700.00	1089	1686	2109	2379	2597	2775
539	5750.00	1096	1695	2122	2393	2612	2791
540	5800.00	1102	1705	2134	2406	2627	2807
541	5850.00	1107	1713	2144	2418	2639	2820
542	5900.00	1111	1721	2155	2429	2651	2833
543	5950.00	1116	1729	2165	2440	2663	2847
544	6000.00	1121	1737	2175	2451	2676	2860
545	6050.00	1126	1746	2185	2462	2688	2874
546	6100.00	1131	1754	2196	2473	2700	2887
547	6150.00	1136	1762	2206	2484	2712	2900
548	6200.00	1141	1770	2216	2495	2724	2914
549	6250.00	1145	1778	2227	2506	2737	2927
	6300.00	1150	1786	2237	2517	2749	2941

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550	6350.00	1155	1795	2247	2529	2761	2954
551	6400.00	1160	1803	2258	2540	2773	2967
552	6450.00	1165	1811	2268	2551	2785	2981
553	6500.00	1170	1819	2278	2562	2798	2994
554	6550.00	1175	1827	2288	2573	2810	3008
555	6600.00	1179	1835	2299	2584	2822	3021
556	6650.00	1184	1843	2309	2595	2834	3034
557	6700.00	1189	1850	2317	2604	2845	3045
558	6750.00	1193	1856	2325	2613	2854	3055
559	6800.00	1196	1862	2332	2621	2863	3064
560	6850.00	1200	1868	2340	2630	2872	3074
561	6900.00	1204	1873	2347	2639	2882	3084
562	6950.00	1208	1879	2355	2647	2891	3094
563	7000.00	1212	1885	2362	2656	2900	3103
564							

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565	7050.00	1216	1891	2370	2664	2909	3113
566	7100.00	1220	1897	2378	2673	2919	3123
567	7150.00	1224	1903	2385	2681	2928	3133
568	7200.00	1228	1909	2393	2690	2937	3142
569	7250.00	1232	1915	2400	2698	2946	3152
570	7300.00	1235	1921	2408	2707	2956	3162
571	7350.00	1239	1927	2415	2716	2965	3172
572	7400.00	1243	1933	2423	2724	2974	3181
573	7450.00	1247	1939	2430	2733	2983	3191
574	7500.00	1251	1945	2438	2741	2993	3201
575	7550.00	1255	1951	2446	2750	3002	3211
576	7600.00	1259	1957	2453	2758	3011	3220
577	7650.00	1263	1963	2461	2767	3020	3230
578	7700.00	1267	1969	2468	2775	3030	3240
	7750.00	1271	1975	2476	2784	3039	3250

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579	7800.00	1274	1981	2483	2792	3048	3259
580	7850.00	1278	1987	2491	2801	3057	3269
581	7900.00	1282	1992	2498	2810	3067	3279
582	7950.00	1286	1998	2506	2818	3076	3289
583	8000.00	1290	2004	2513	2827	3085	3298
584	8050.00	1294	2010	2521	2835	3094	3308
585	8100.00	1298	2016	2529	2844	3104	3318
586	8150.00	1302	2022	2536	2852	3113	3328
587	8200.00	1306	2028	2544	2861	3122	3337
588	8250.00	1310	2034	2551	2869	3131	3347
589	8300.00	1313	2040	2559	2878	3141	3357
590	8350.00	1317	2046	2566	2887	3150	3367
591	8400.00	1321	2052	2574	2895	3159	3376
592	8450.00	1325	2058	2581	2904	3168	3386
593							

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594	8500.00	1329	2064	2589	2912	3178	3396
595	8550.00	1333	2070	2597	2921	3187	3406
596	8600.00	1337	2076	2604	2929	3196	3415
597	8650.00	1341	2082	2612	2938	3205	3425
598	8700.00	1345	2088	2619	2946	3215	3435
599	8750.00	1349	2094	2627	2955	3224	3445
600	8800.00	1352	2100	2634	2963	3233	3454
601	8850.00	1356	2106	2642	2972	3242	3464
602	8900.00	1360	2111	2649	2981	3252	3474
603	8950.00	1364	2117	2657	2989	3261	3484
604	9000.00	1368	2123	2664	2998	3270	3493
605	9050.00	1372	2129	2672	3006	3279	3503
606	9100.00	1376	2135	2680	3015	3289	3513
607	9150.00	1380	2141	2687	3023	3298	3523
	9200.00	1384	2147	2695	3032	3307	3532

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608	9250.00	1388	2153	2702	3040	3316	3542
609	9300.00	1391	2159	2710	3049	3326	3552
610	9350.00	1395	2165	2717	3058	3335	3562
611	9400.00	1399	2171	2725	3066	3344	3571
612	9450.00	1403	2177	2732	3075	3353	3581
613	9500.00	1407	2183	2740	3083	3363	3591
614	9550.00	1411	2189	2748	3092	3372	3601
615	9600.00	1415	2195	2755	3100	3381	3610
616	9650.00	1419	2201	2763	3109	3390	3620
617	9700.00	1422	2206	2767	3115	3396	3628
618	9750.00	1425	2210	2772	3121	3402	3634
619	9800.00	1427	2213	2776	3126	3408	3641
620	9850.00	1430	2217	2781	3132	3414	3647
621	9900.00	1432	2221	2786	3137	3420	3653
622							

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9950.00 1435 2225 2791 3143 3426 3659

10000.00 1437 2228 2795 3148 3432 3666

(7) LOW-INCOME PARENTS.--For combined monthly available income less than the amount set out in the schedule provided in subsection (6) ~~on the above schedules~~, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future.

(8) HIGH-INCOME PARENTS.--For combined monthly available income greater than the amount set out in the schedule provided in subsection (6) ~~above schedules~~, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children

One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(9) EXPENSES TO BE ADDED.--Some expenditures related to raising children represent either large expenses or expenses that may vary greatly from child to child and, for that reason, are not built into the child support guidelines schedule. However, these types of expenditures are typically incurred by most

children involved in child support proceedings and shall be considered expenditures that are to be added to the basic child support obligation, as follows:

(a)~~(7)~~ Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be~~ added to the basic obligation. After the ~~adjusted~~ child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(b)~~(8)~~ Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

~~(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net income by the combined net income.~~

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~~(10) Each parent's actual dollar share of the child support need shall be determined by multiplying the minimum child support need by each parent's percentage share.~~

~~(10)(11)(a)~~ FACTORS TO BE CONSIDERED FOR VARIATION.--The court may adjust the minimum child support award, or either or both parents' share of the minimum child support award, based upon the following considerations:

~~(a)1.~~ Extraordinary medical, psychological, educational, or dental expenses.

~~(b)2.~~ Independent income of the child, not to include moneys received by a child from supplemental security income.

~~(c)3.~~ The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

~~(d)4.~~ Seasonal variations in one or both parents' incomes or expenses.

~~(e)5.~~ The age of the child, taking into account the greater needs of older children.

~~(f)6.~~ Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the amount proposed in the guidelines schedule.

~~(g)7.~~ Total available assets of the obligee, obligor, and the child.

~~(h)8.~~ The impact of the Internal Revenue Service dependency exemption and waiver of that exemption and the impact of any federal child care tax credit. The court may order the primary residential parent to execute a waiver of the Internal Revenue

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Service dependency exemption if the noncustodial parent is current in support payments.

(i)~~9~~. When application of the child support guidelines requires a person to pay another person more than 55 percent of his or her gross income for a child support obligation for current support resulting from a single support order.

(j)~~10~~. The particular shared parental arrangement, ~~such as where the child spends a significant amount of time, but less than 40 percent of the overnights, with the noncustodial parent, thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the noncustodial parent to become involved in the activities of the child.~~

(k)~~11~~. Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

~~(b) Whenever a particular shared parental arrangement provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, as follows:~~

~~1. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the noncustodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.~~

~~2. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the custodial~~

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~~parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.~~

~~3. Calculate the percentage of overnight stays the child spends with each parent.~~

~~4. Multiply the noncustodial parent's support obligation as calculated in subparagraph 1. by the percentage of the custodial parent's overnight stays with the child as calculated in subparagraph 3.~~

~~5. Multiply the custodial parent's support obligation as calculated in subparagraph 2. by the percentage of the noncustodial parent's overnight stays with the child as calculated in subparagraph 3.~~

~~6. The difference between the amounts calculated in subparagraphs 4. and 5. shall be the monetary transfer necessary between the custodial and noncustodial parents for the care of the child, subject to an adjustment for day care and health insurance expenses.~~

~~7. Pursuant to subsections (7) and (8), calculate the net amounts owed by the custodial and noncustodial parents for the expenses incurred for day care and health insurance coverage for the child. Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).~~

~~8. Adjust the support obligation owed by the custodial or noncustodial parent pursuant to subparagraph 6. by crediting or debiting the amount calculated in subparagraph 7. This amount represents the child support which must be exchanged between the custodial and noncustodial parents.~~

~~9. The court may deviate from the child support amount calculated pursuant to subparagraph 8. based upon the~~

~~considerations set forth in paragraph (a), as well as the
custodial parent's low income and ability to maintain the basic
necessities of the home for the child, the likelihood that the
noncustodial parent will actually exercise the visitation granted
by the court, and whether all of the children are exercising the
same shared parental arrangement.~~

~~10. For purposes of adjusting any award of child support
under this paragraph, "substantial amount of time" means that the
noncustodial parent exercises visitation at least 40 percent of
the overnights of the year.~~

(11) SHARED PARENTING AND SPLIT PARENTING ARRANGEMENTS.--

(a) In an intact family, the children reside in one
household with both parents and no visitation is needed. The
minimum child support amounts in the child support guidelines
schedule provided in subsection (6) represent spending on
children by intact families. Therefore, the child support amounts
in the guidelines schedule are appropriate only if the child
resides in the custodial parent's household 100 percent of the
time. In shared parenting situations, each parent incurs expenses
for the child while the child is with that parent. To accommodate
shared parenting situations, each parent's income share of the
minimum child support award may be adjusted based on expenses
assumed to be duplicated or shifted and the amount of time spent
with the child. Although these guidelines are designed to
accommodate shared parenting arrangements when appropriate,
shared parenting adjustments or awards are not presumptive but
are subject to the discretion of the court in accordance with the
factors listed in subsection (10).

(b) Unless the parties otherwise agree, the final child support order shall not be based on a calculated shared parenting award if:

1. The monthly net income of the custodial parent plus the shared parenting child support award is less than two times the then-current poverty guidelines prescribed by the United States Department of Health and Human Services for the size of the household; or

2. In any case, the court finds that the net income of the custodial parent remaining after the calculation of the shared parenting award is not sufficient to maintain the household for the child.

(c) A shared parenting calculation shall be determined according to the following formula:

1. The child support payment to be made equals (the basic support obligation) multiplied by (1 plus Parent A's percentage of the shared parenting time) multiplied by [(Parent A's share of the combined monthly net income) minus (Parent A's percentage of the shared parenting time)].

2. If the two parents do not have an equal amount of parenting time, Parent A is the parent with the smaller percentage of time.

3. If the two parents have an equal amount of parenting time, Parent A is the parent with the larger income.

(d)~~(e)~~ A noncustodial parent's failure to regularly exercise court-ordered or agreed visitation not caused by the custodial parent which resulted in the adjustment of the amount of child support as provided in subsection (12) pursuant to subparagraph
~~(a)10. or paragraph (b)~~ shall be deemed a substantial change of

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circumstances for purposes of modifying the child support award.
A modification pursuant to this paragraph shall be retroactive to
the date the noncustodial parent first failed to regularly
exercise court-ordered or agreed visitation.

(e) A split parenting arrangement exists when there is more
than one child in common and each parent provides primary
residential care for at least one of the children. In cases
involving split parenting arrangements, the court shall calculate
and issue a separate child support order for each parent based on
the number of children in that parent's custody, and the
difference between the two orders is the amount to be paid by the
parent with the higher child support order amount.

(12) DETERMINATION OF CHILD SUPPORT ORDER AMOUNT.--

(a) Calculations shall be made to determine the amount of
child support contained in the support order, as follows:

1. Gross income shall be determined on a monthly basis for
each parent as provided in subsection (4).

2. Net income for each parent shall be determined by
subtracting allowable deductions from gross income as provided in
subsection (5).

3. Net income for each parent shall be added together for a
combined net income.

4. The combined net income shall be applied to the
child support guidelines schedule as provided in subsection (6)
to determine the minimum child support amount.

5. Each parent's percentage share of the minimum child
support amount shall be determined by dividing each parent's net
income by the combined net income.

844 6. Each parent's actual dollar share of the minimum child
845 support amount shall be determined by multiplying the minimum
846 child support amount by each parent's percentage share.

847 7. Any adjustment as a result of a particular shared
848 parenting arrangement as provided in subsection (11) shall be
849 factored in.

850 8. Any child care costs related to employment or education
851 calculated pursuant to subsection (9) shall be added to the basic
852 child support obligation.

853 9. Any costs related to health insurance premiums for the
854 child determined pursuant to subsection (9) shall be added to the
855 basic child support obligation.

856 10. The amount of the child support order is determined by
857 adding the basic child support obligation, any offset for a
858 particular parenting time arrangement, net child care costs
859 related to employment or education, and health insurance costs
860 for the child.

861 (b) Calculations shall be rounded to the nearest one-tenth
862 of a percent for percentages and to the nearest dollar in all
863 instances. When the parents' combined net income falls halfway or
864 more than halfway between the two income figures on the schedule,
865 the higher figure shall be used. When the parents' combined net
866 income falls less than halfway between two income figures, the
867 lower figure shall be used.

868 (13) MODIFICATION OF EXISTING ORDERS.--

869 (a) The guidelines schedule provided in subsection (6) may
870 provide the basis for proving a substantial change in
871 circumstances upon which a modification of an existing order may
872 be granted. However, the difference between the existing monthly

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obligation and the amount provided for under the guidelines schedule shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines schedule provides a substantial change in circumstances.

(b) For each child support order reviewed by the department as required by s. 409.2564(11), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under this section, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(14) FINANCIAL AFFIDAVIT.--Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) ~~(12)~~ EXISTENCE OF SUBSEQUENT CHILDREN.--

(a) A parent with a support obligation may have other children living with him or her who were born or adopted after the support obligation arose. If such subsequent children exist, the court, when considering an upward modification of an existing award, may disregard the income from secondary employment

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obtained in addition to the parent's primary employment if the court determines that the employment was obtained primarily to support the subsequent children.

(b) Except as provided in paragraph (a), the existence of such subsequent children should not as a general rule be considered by the court as a basis for disregarding the amount provided in the guidelines schedule. The parent with a support obligation for subsequent children may raise the existence of such subsequent children as a justification for deviation from the guidelines schedule. However, if the existence of such subsequent children is raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount.

(c) The issue of subsequent children under paragraph (a) or paragraph (b) may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

~~(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.~~

~~(16)-(15)~~ COOPERATION RELATED TO PUBLIC ASSISTANCE.--For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

930 ~~(17)~~ (16) REVIEW OF GUIDELINES.--The child support
931 guidelines shall be reviewed and revised, if necessary, at least
932 once every 4 years by a committee to be appointed by the Chief
933 Justice of the Supreme Court to ensure that the support amounts
934 are appropriate for child support awards. The Supreme Court shall
935 approve the child support guidelines upon revision by the
936 committee for use in this state and shall publish the guidelines
937 through per curiam order of the court ~~The Legislature shall~~
938 ~~review the guidelines established in this section at least every~~
939 ~~4 years beginning in 1997.~~

940 ~~(18)~~ (17) RETROACTIVE CHILD SUPPORT.--In an initial
941 determination of child support, whether in a paternity action,
942 dissolution of marriage action, or petition for support during
943 the marriage, the court has discretion to award child support
944 retroactive to the date when the parents did not reside together
945 in the same household with the child, not to exceed a period of
946 24 months preceding the filing of the petition, regardless of
947 whether that date precedes the filing of the petition. In
948 determining the retroactive award in such cases, the court shall
949 consider the following:

950 (a) The court shall apply the guidelines schedule in effect
951 at the time of the hearing subject to the obligor's demonstration
952 of his or her actual income, as defined by subsection (4) ~~(2)~~,
953 during the retroactive period. Failure of the obligor to so
954 demonstrate shall result in the court using the obligor's income
955 at the time of the hearing in computing child support for the
956 retroactive period.

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(b) All actual payments made by the noncustodial parent to the custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

Section 4. Subsection (10) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.--

(10) For the purposes of denial, revocation, or limitation of an individual's United States passport, consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures to certify to the Secretary of the United States Department of Health and Human Services, in the format and accompanied by such supporting documentation as the secretary may require, a determination that an individual owes arrearages of support in an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide that the individual be given notice of the determination and of the consequence thereof and that the individual shall be given an opportunity to contest the accuracy of the determination.

Section 5. Effective July 1, 2006, section 409.25641, Florida Statutes, is amended to read:

409.25641 Procedures for processing automated administrative enforcement requests.--

(1) The department ~~Title IV-D agency~~ shall use automated administrative enforcement, as defined in Title IV-D of the Social Security Act, in response to a request from another state to enforce a support order and shall promptly report the results of enforcement action to the requesting state.

(2) This request:

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(a) May be transmitted from the other state by electronic or other means.

(b) Shall contain sufficient identifying information to allow comparison with the databases within the state which are available to the department. ~~Title IV-D agency; and~~

(c) Shall constitute a certification by the requesting state:

1. Of the amount of arrearage accrued under the order; and

2. That the requesting state has complied with all procedural due process requirements applicable to the case.

(3) If assistance is provided by the department ~~Title IV-D agency~~ to another state as prescribed above, the department may not neither state shall consider the case to be transferred from the caseload of the other state to the caseload of the department, but the department may establish a corresponding case based on the other state's request for assistance ~~Title IV-D agency~~.

(4) The department ~~Title IV-D agency~~ shall maintain a record of:

(a) The number of requests received;

(b) The number of cases for which the department ~~Title IV-D agency~~ collected support in response to such a request; and

(c) The amount of such collected support.

(5) The department shall have authority to adopt rules to implement this section.

Section 6. Paragraph (g) of subsection (1) and paragraph (a) of subsection (5) of section 409.2563, Florida Statutes, are amended to read:

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409.2563 Administrative establishment of child support obligations.--

(1) DEFINITIONS.--As used in this section, the term:

(g) "Retroactive support" means a child support obligation established pursuant to s. 61.30 (18) ~~(17)~~.

Other terms used in this section have the meanings ascribed in ss. 61.046 and 409.2554.

(5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

(a) After serving notice upon the noncustodial parent in accordance with subsection (4), the department shall calculate the noncustodial parent's child support obligation under the child support guidelines schedule as provided by s. 61.30, based on any timely financial affidavits received and other information available to the department. If either parent fails to comply with the requirement to furnish a financial affidavit, the department may proceed on the basis of information available from any source, if such information is sufficiently reliable and detailed to allow calculation of guideline amounts under s. 61.30. If the custodial parent receives public assistance and fails to submit a financial affidavit, the department may submit a financial affidavit for the custodial parent pursuant to s. 61.30 (16) ~~(15)~~. If there is a lack of sufficient reliable information concerning a parent's actual earnings for a current or past period, it shall be presumed for the purpose of establishing a support obligation that the parent had an earning capacity equal to the federal minimum wage during the applicable period.

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1042 Section 7. Paragraph (b) of subsection (4) of section
1043 742.031, Florida Statutes, is amended to read:

1044 742.031 Hearings; court orders for support, hospital
1045 expenses, and attorney's fee.--

1046 (4)

1047 (b) The modification of the temporary support order may be
1048 retroactive to the date of the initial entry of the temporary
1049 support order; to the date of filing of the initial petition for
1050 dissolution of marriage, petition for support, petition
1051 determining paternity, or supplemental petition for modification;
1052 or to a date prescribed in s. 61.14(1)(a) or s. 61.30(11) (d) ~~(e)~~
1053 or (18) ~~(17)~~, as applicable.

1054 Section 8. Except as otherwise expressly provided in this
1055 act, this act shall take effect October 1, 2006.